

**Remarks/Arguments:**

Claims 5, 9, 11, 16-18, 25-28, 30-34, 79-82, 84, 85, and 91-93 are pending in the above-identified application. By the present Amendment, claims 3, 4, 6-8, 10, 12-14, 19-24, 29, 78, 83, and 87-90 are canceled, and claims 5, 9, 11, 16, 17, 25, 30, 31, 79, 85, 91, and 93 are amended.

**Rejections Under 35 U.S.C. § 112**

Claim 9 was rejected under 35 U.S.C. § 112 as allegedly being indefinite. Specifically, the Examiner alleged that claim 9 lacked sufficient antecedent basis for the term "absolute time" in line 3. As amended herein, claim 9 provides sufficient antecedent basis for the term "absolute time." Accordingly, Applicants respectfully request that the rejection of claim 9 under 35 U.S.C. § 112 be withdrawn.

**Rejections Under 35 U.S.C. § 102**

Claims 3, 4, 6-8, 10, 12-14, 19-24, 29, 78, 83, and 87-90 were rejected as allegedly being anticipated by U.S. Patent No. 6,321,264 to Fletcher et al. ("Fletcher"). Claims 3, 4, 6-8, 10, 12-14, 19-24, 29, 78, 83, and 87-90 have been cancelled. The cancellation of such claims is for the purpose of expediting allowance of the present application. Applicants do not agree or concede that such claims are anticipated by Fletcher and such cancellation is without prejudice to Applicants filing of a continuation application directed to such cancelled claims. Accordingly, Applicants respectfully request that the rejection of these claims under 35 U.S.C. § 102 be withdrawn.

**Allowable Subject Matter**

The Office Action, at page 6, Item 6, indicates that claims 5, 11, 16-18, 25-28, 30-34, 79-82, 84, 85, and 91-93 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form by including all of the limitations of the base claim and any intervening claims. By the present Amendment, claims 5, 11, 16, 17, 25, 30, 31, 79, 85, 91, and 93 are amended to place them independent form by including all of the limitations of their respective base claims and any intervening claims from which these amended claims had depended. The remaining claims (claims 18, 26-28, 32-34, 80-82, 84, and 92) depend from these amended claims.

The Office Action, at page 6, Item 7, indicates that claim 9 would be allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph and to include all of the limitations of the base claim and any intervening claims. By the present Amendment, claim 9 is amended to overcome the rejection under 35 U.S.C. §112, second paragraph. In addition, claim 9 has been amended to include the limitations of the base claim and any intervening claims.

Applicants note that one or more limitations in several of the amended claims have been rewritten to remove redundancies or reordered to enhance clarity. In addition, the amended claims including features incorporated from the base or intervening claims, although generally incorporated in the order taken from the base or intervening claims, are not limited in scope to the particular listed order of such features.

Accordingly, Applicants respectfully assert that claims 5, 9, 11, 16-18, 25-28, 30-34, 79-82, 84, 85, and 91-93 are in condition for allowance which action is respectfully requested.

Revocation of Power of Attorney and Change of Correspondence Address

Applicants note that the Office Action mailed by the PTO on November 2, 2006 incorrectly identified the correspondence recipient and Attorney Docket Number. By facsimile received by the PTO on January 4, 2005, Applicants revoked all previous powers of attorney and appointed powers of attorney to practitioners associated with Customer Number 23122. Furthermore, by this facsimile, Applicants requested the correspondence address be changed to that associated with Customer Number 23122. A copy of this facsimile, which includes a coversheet, transmittal, Power of Attorney and Correspondence Indication Form, and Statement under 37 CFR 3.73(b) is included for convenience. Applicants note that the Attorney Docket Number for the above-identified application has been changed to NIK-100US.

Accordingly, Applicants respectfully request that the change in correspondence and power of attorney for this application be changed in accordance with the information provided above and attached hereto.

Appln. No.: 09/863,593  
Amendment Dated: May 2, 2007  
Reply to Office Action of: November 2, 2006

NIK-100US

Conclusion

In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

  
\_\_\_\_\_  
Christopher J. Dervishian, Reg. No. 42,480  
Attorney for Applicants

CJD/PKZ/mhs/snp

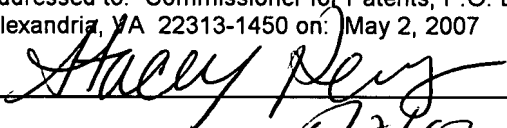
Attachment: Revocation of Power of Attorney dated January 4, 2005

Dated: May 2, 2007

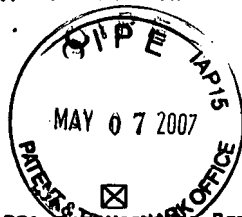
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TIME: \_\_\_\_\_

TO:	Duc T. Duong	FAX NO.:	703-872-9306
FROM:	Christopher J. Dervishian	ADMIN. ASST.:	Patricia C. Boccella
APPLN. NO.:	09/863,593	ATTY. DOCKET NO.:	NIK-100US
TITLE OF APPLN.: APPARATUS AND METHOD FOR COLLECTING AND ANALYZING COMMUNICATIONS DATA			
FILING DATE:	May 23, 2001	ART UNIT:	2663
FIRST INVENTOR:	Parag Pruthi	CONF. NO.:	9303
TITLE OF DOCUMENT (and List of Attachments): Power of Attorney and Correspondence Address			
Indication Form and Statement Under 37 C.F.R. 3.73(b)			

Total Number of Pages: 4 (including this form)**COMMENTS****CONFIDENTIAL AND PRIVILEGED ATTORNEY/CLIENT INFORMATION**

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T-960 P.003/004 F-129

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**POWER OF ATTORNEY  
AND  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	08/863,593
Filing Date	May 23, 2001
First Named Inventor	Parag Pruthi
Title	APPARATUS AND METHOD FOR COLLECTING AND ANALYZING COMMUNICATIONS DATA
Art Unit	2881
Examiner Name	Not Yet Known
Attorney Docket Number	NIK-10009

I hereby revoke all previous powers of attorney given in the above-identified application.

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I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/08)

**SIGNATURE of Applicant or Assignee of Record**

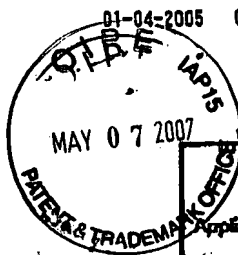
Signature	<i>Parag Pruthi</i>	Date	12/2/04
Name	Parag Pruthi	Telephone	732-821-5000
Title and Company	Chief Executive Officer, NIKSUN, Inc.		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**STATEMENT UNDER 37 CFR 3.73(b)**

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Applicant/Patent Owner: NIXSUN, Inc.Application No./Patent No.: 00/863,593 Filed/Issue Date: May 23, 2001

JAN 04 2005

Entitled: APPARATUS AND METHOD FOR COLLECTING AND ANALYZING COMMUNICATIONS DATA

NIXSUN, Inc., a Corporation  
 (Name of Assignee) (Type or Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
 2. ☐ an assignee of less than the entire right, title and interest.  
 The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

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☐ Copies of assignments or other documents in the chain of title are attached.

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The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

[Signature]  
 Signature

Dec 27 - 2004  
 Date

Dr. Parag Pruthi  
 Printed or Typed Name

782-821-5000  
 Telephone Number

Chief Executive Officer  
 Title

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PTO/SB/21 (09-04) (AW 10/2004)

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Total Number of Pages In This Submission 3

Application Number	09/863,593
Filing Date	May 23, 2001
First Named Inventor	Parag Pruthi
Art Unit	2663
Examiner Name	Duc T. Duong
Attorney Docket No.	NIK-100US (Formerly 38731-1US (180498))

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Firm Name	RatnerPrestita		
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Printed Name	Christopher J. Dervishian		
Date	January 4, 2005	Registration No.	42,480

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Typed or Printed Name	Patricia C. Boccia	Date	January 4, 2005

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